

**FILED**

DEC 14 2007

BEFORE THE DEPARTMENT OF INSURANCE  
STATE OF NEBRASKA

NEBRASKA DEPARTMENT  
OF INSURANCE

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE,

PETITIONER,

VS.

ROBERT L. LINHARDT,

RESPONDENT.

)  
) FINDINGS OF FACT, CONCLUSIONS  
) OF LAW, RECOMMENDED ORDER  
) AND ORDER

)  
) CAUSE NO. A-1751  
)  
)  
)  
)

This matter came on for hearing on the 11th day of December, 2007, before Martin W. Swanson, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance. The Nebraska Department of Insurance ("Department") was represented by its attorney, Janette L. Adair. Robert L. Linhardt ("Respondent"), was not present and was not represented by an attorney. The proceedings were tape recorded by Tracy Gruhn, a licensed Notary Public. Evidence was received, and the matter was taken under advisement. As a result of the hearing, the hearing officer makes the following Findings of Fact, Conclusions of Law, and Recommended Order.

FINDINGS OF FACT

1. Respondent is a licensed resident Nebraska insurance agent whose current registered address with the Department is Lund Insurance, P.O. Box 6446, Lincoln, NE 68506. Respondent's registered home address is 7420 South Street, #3, Lincoln, NE 68506. E2.
2. The Department is the agency of the State of Nebraska charged with licensing insurance agents and brokers.

3. The Department of Insurance attempted to serve notice of this hearing upon Respondent on or about October 29, 2007. On or about December 6, 2007, the certified letter was returned to the Department of Insurance marked as "Return to Sender-Unclaimed-Unable to Forward." E1.

4. On or about August 1, 2007, Insurance Investigator Cynthia J. Williamson sent a letter to Respondent, at Respondent's registered home address, via regular U.S. mail, requesting information regarding a consumer affairs investigation. Respondent failed to respond to this written inquiry. E3.

5. On or about September 12, 2007, Consumer Affairs Division Administrator Jane Francis sent a letter to Respondent at Respondent's registered home address, via certified U.S. mail, attaching a copy of the August 1, 2007 letter from Investigator Williamson, and stating, "[a]s of this date, a reply has not been received. Failure to respond to this Department within fifteen working days may be construed as an unfair trade practice, as provided by Nebraska Revised Statute 44-1525(11). Please consider this a request for your immediate response." On or about October 4, 2007, this certified letter was returned to the Department by the U.S. Postal Service marked "Unclaimed." Respondent failed to respond to this written inquiry. E4.

6. On or about September 12, 2007, Consumer Affairs Division Administrator Jane Francis sent a letter to Respondent at Respondent's registered business address, via certified U.S. mail, attaching a copy of the August 1, 2007 letter from Investigator Williamson, and stating, "[a]s of this date, a reply has not been received. Failure to respond to this Department within fifteen working days may be construed as an unfair trade practice, as provided by Nebraska Revised Statute 44-1525(11). Please consider this a request for your

immediate response.” On or about October 3, 2007, this letter was delivered by the U.S. Postal Service, and was signed for by an individual at Respondent’s registered business address. Respondent failed to respond to this written inquiry. **E4.**

#### CONCLUSIONS OF LAW

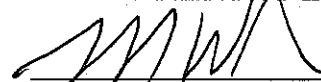
1. The Department has jurisdiction and control over the licensing of Respondent to sell insurance in the State of Nebraska pursuant to **Neb.Rev.Stat. §44-101.01** and **§44-4001 et seq.**
2. The Department has personal jurisdiction over Respondent.
3. The Respondent violated, on multiple occasions, **Neb.Rev.Stat. §§44-1524** and **44-1525(11).**

#### RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent’s Insurance Producer’s License be revoked effective immediately.

Dated this 13<sup>th</sup> day of December, 2007.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE



Martin W. Swanson  
Hearing Officer

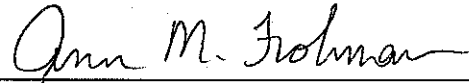
#### CERTIFICATE OF ADOPTION

I have reviewed the foregoing Findings of Fact, Conclusions of Law, and Recommended Order and hereby certify that the Recommended Order is adopted as the official and final Order of

this Department in the matter of State of Nebraska, Department of Insurance vs. Robert L. Linhardt,  
Cause No. A-1751.

Dated this 14 day of December, 2007.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE



Ann M. Frohman  
Director of Insurance

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Findings of Fact, Conclusions of Law, Recommended Order, and Order was served upon the Respondent by mailing a copy to Respondent at Lund Insurance, P.O. Box 6446, Lincoln, NE 68506 and 7420 South Street, #3, Lincoln, NE 68506, by certified mail, return receipt requested, on this 14 day of December, 2007.

